

PTO/SB/51 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

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## REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

740756-2405

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,180,991, granted January 30, 2001, and for which a reissue patent is sought on the invention entitled SEMICONDUCTOR HAVING LOW CONCENTRATION OF PHOSPHOROUS

the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as reissue application number \_\_\_\_\_ / \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☒ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening.

The subject U.S. Patent No. 6,180,991 issued on January 30, 2001 from application Ser. No. 08/426,235 filed on April 21, 1995.

In the '235 application, a *Terminal Disclaimer* was filed at the beginning of prosecution which disclaimed the terminal part of the statutory term of any patent granted that would extend beyond an issued patent commonly assigned to the assignees of the '235 application. During the course of prosecution, the claims of the '235 application were substantively amended, thereby rendering the *Terminal Disclaimer* unnecessary and inappropriate. Correspondingly, a *Petition Under 37 CFR 1.182 To Withdraw A Terminal Disclaimer* (hereinafter "*Petition to Withdraw*") was filed on April 8, 1999. However, prior to the USPTO's consideration and action on the *Petition to Withdraw*, the '235 application was allowed and the issue fee paid so that the application issued as the subject U.S. Patent No. 6,180,991 with the *Terminal Disclaimer* of record still in effect.

Therefore, the errors upon which this reissue is based are:

1. The error of the applicants in failing to ensure proper disposition of the *Petition to Withdraw* during the prosecution of the '235 application;
2. The error of the applicants in not withdrawing the '235 application from issuance under 37 CFR 1.313 before the payment of the issue fee;

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Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETE FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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3. The error of the applicants in not withdrawing the '235 application from issuance under 37 CFR 1.313 after the payment of the issue fee;
4. The error of the applicants in not deferring issuance of the patent under 37 CFR 1.314 until the outstanding *Petition to Withdraw* was considered; and
5. The error of the Examiner/USPTO in failing to consider and act upon the *Petition to Withdraw* filed 21 months prior to issuance of the subject '991 patent.

The above errors have resulted in rendering the subject '991 patent inoperative during its terminal part of the statutory term that extends beyond the expiration date of the patent identified in the *Terminal Disclaimer* of record. In addition, the above errors have also resulted in rendering the subject '991 patent inoperative in that it is only enforceable for and during a period that it and the various patents identified in the *Terminal Disclaimer* of record are commonly owned. Furthermore, in failing to withdraw the *Terminal Disclaimer*, the applicant also believes the '991 patent is partly inoperative by reason that the patentee claimed less than the patentee had the right to claim in regards to the term of the '991 patent.

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s)	Registration Number	Name(s)	Registration Number
Daniel W. Sixbey	20,932	Eric J. Robinson	38,285
Stuart J. Friedman	24,312	Marc S. Kaufman	35,212
Charles M. Leedom, Jr.	26,477	Daniel S. Song	43,143
David S. Safran	27,997	James E. Howard	39,175
Thomas W. Cole	28,290	Corinne R. Gorski	34,339
Donald R. Studebaker	32,815	Jason H. Vick	45,285
Jeffrey L. Costellia	35,483	Luan C. Do	38,434
Tim L. Brackett, Jr.	36,092		

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

22204

Type Customer Number here

Place Customer Number Bar  
Code Label here☐ Firm or  
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Shunpei YAMAZAKI

Inventor's signature

Date 01/15/2002

Residence Tokyo, Japan

Citizenship Japan

Mailing Address 4-10-20, Seijo, Setagaya-ku, Tokyo 157, Japan

Full name of second joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Mailing Address

Full name of third joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

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